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United Nations Interim Administration Mission in Kosovo

Report of the Secretary-General

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK, and developments related thereto, from 16 April to 15 July 2018.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and in the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission in Kosovo (EULEX) continues its presence in Kosovo, in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

II. Key political and security developments

3. The overall situation during the period under review remained stable, in contrast with the previous reporting period, when a number of developments had a negative impact on relations between Belgrade and Pristina. Consistent with the statement made by the Serbian List for Kosovo and Metohija party following the arrest and expulsion from Kosovo of the Director of the Office for Kosovo and Metohija of the Government of Serbia, Marko Đurić, on 26 March, ministers and members of the Assembly of Kosovo from the Serbian List continued to refrain from participating in formal sessions of the government or the Assembly and to protest the delayed establishment of the association/community of Serb-majority municipalities. Meanwhile, Kosovo Albanian parties in the governing coalition and the opposition focused on the position of Pristina in the European Union-facilitated dialogue with Belgrade, which resumed on 24 June. Discussions continued within and outside the Assembly of Kosovo on the composition and strategy of the Pristina negotiating team, with separate proposals submitted, for consideration by the Assembly, by the Prime

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Minister of Kosovo, Ramush Haradinaj, on 10 April and by the President of the Assembly, Kadri Veseli, on 23 April.

4. Some incidents during the reporting period showed the potential for renewed tensions. Serbian Orthodox Church officials reported damage to churches in two separate incidents on 17 May in the municipality of Ferizaj/Uroševac. On 26 May, construction was initiated on a transit road within the special protective zone of the Visoki Dečani monastery, a World Heritage Site of the United Nations Educational, Scientific and Cultural Organization. The Serbian Orthodox Church issued a communiqué in which it stressed that the construction works violated the Kosovo Law on Special Protective Zones and challenged the conclusions of the Implementation and Monitoring Council, which oversees the special protective zones surrounding religious sites. The Serbian List, the Kosovo Minister for Communities and Returns of the Serbian List, the Office for Kosovo and Metohija of the Government of Serbia and Kosovo Serb civil society groups also protested the roadworks. The international community reacted in a unified voice and, following consultations with the mayor of Deçan/Dečani, recommended the suspension of the works inside the special protective zone. In response, the Prime Minister of Kosovo, the Minister of Infrastructure of Kosovo and the mayor of Deçan/Dečani clarified that the works would continue at a distance of 5 km from the special protective zone. The Implementation and Monitoring Council met on 10 July, after a three-month hiatus, to discuss the construction works and agreed to visit the site soon, together with the Prime Minister.

5. In a separate incident, on 28 May, about 60 Kosovo Albanians staged a protest in Klinë/Klina municipality to prevent 30 Kosovo Serb pilgrims from attending the "Sveta Trojica" Orthodox festival near the ruins of the Serbian Orthodox Church of the Holy Trinity. The Kosovo police intervened when some protestors threw stones at the pilgrims, causing serious injury to one and light injuries to two others. On 30 May, in Lipjan/Lipljan municipality, a young Kosovo Albanian male verbally harassed and physically attacked a Kosovo Serb man who intervened to stop a group of Kosovo Albanian teenagers from harassing Kosovo Serb children at the local playground. The Kosovo Minister for Communities and Returns of the Serbian List condemned both incidents and urged the Kosovo police to bring the perpetrators to justice. A few days later, local officials and community leaders in Lipjan/Lipljan municipality launched a mediation process that helped to defuse tensions while the investigation continued. From 28 May to 1 June, a health centre run by the Government of Serbia in the ethnically mixed village of Suhodoll i Poshtëm/Donji Suvi Do in North Mitrovica was damaged in three separate stoning incidents.

6. Further to the aforementioned incidents, on 3 June, the Serbian List issued a communiqué in which it condemned recent attacks against Kosovo Serbs and their properties and alleged that 16 ethnically motivated incidents against Kosovo Serbs had taken place in May. On 5 June, the Office of the Prime Minister of Kosovo issued a communiqué in which it condemned recent incidents with "inter-ethnic motives" that negatively affect relations between communities in Kosovo and called for the perpetrators to be brought to justice. The President of Kosovo, Hashim Thaçi, made similar public remarks. In a statement issued on 6 June, my Special Representative for Kosovo, Zahir Tanin, welcomed these statements, noting that "there is no place for intimidation in a democratic society".

7. Meanwhile, the government of Kosovo continued to call for the transformation of the Kosovo Security Force into an armed force, while the leadership of Serbia remained strongly opposed to it. On 28 April, a Kosovo Serb member of the Kosovo Security Force was detained and questioned by the Serbian police at Gate 5 at the Končulj/Konçul crossing point on the Administrative Boundary Line. The Prime Minister of Kosovo expressed concern over the incident, noting that it undermined

the efforts of the government of Kosovo to integrate the Kosovo Serb community. On 27 May, the vehicle of another Kosovo Serb member of the Kosovo Security Force was set ablaze in Zubin Potok municipality, in northern Kosovo. On 10 July, Kosovo police arrested, and released later that day, five Kosovo Serbs in the Gjilan/Gnjilane region, allegedly under suspicion of being connected with the decision by 47 Kosovo Serb members of the Kosovo Security Force from the Gjilan/Gnjilane region to resign from the Force in early July. The Director of the Office for Kosovo and Metohija of the Government of Serbia condemned the arrests at an unscheduled news conference on the same day, as did the Serbian List, which also accused the Kosovo police of excessive force and called upon Kosovo Serbs not to join the Kosovo Security Force.

8. On 17 May, the President of Kosovo, the Prime Minister of Kosovo and the First Deputy Prime Minister and Minister for Foreign Affairs of Kosovo, Behgjet Pacolli, participated in the European Union Western Balkans Summit in Sofia. At the conclusion of the Summit, the European Union adopted a declaration in which it reaffirmed its "unequivocal support" for the region's European perspective and outlined a number of measures to be implemented by the Governments of Western Balkans countries to improve infrastructure connectivity, security and the rule of law in the region. On 10 July, Heads of Government of European Union member States and their Western Balkans partners met in London under the Berlin process. At the conclusion of the meeting, all participants in the process signed joint declarations on regional cooperation and good-neighbourly relations, war crimes and missing persons.

9. On 15 June, following a decision of the European Council and an exchange of letters between the President of Kosovo and the European Union High Representative for Foreign Affairs and Security Policy, Federica Mogherini, EULEX began a new, more restricted two-year mandate, with a reduced strength of 503 staff to be reached upon completion of a reconfiguration process ending on 14 December. While EULEX judges and prosecutors no longer have any executive functions in the Kosovo justice system, EULEX will monitor selected criminal and civil cases and continue to monitor, mentor and advise the Kosovo Correctional Service. EULEX will also provide operational support to the implementation of agreements reached within the framework of the European Union-facilitated dialogue between Belgrade and Pristina, and retain its role as second security responder.

10. In accordance with the criteria for visa liberalization for Kosovo set by the European Commission, Kosovo authorities promoted the implementation of measures to counter organized crime and corruption. The government of Kosovo also continued to implement the reforms envisaged under the Stabilization and Association Agreement between Kosovo and the European Union, including reform of the public administration sector.

11. During the reporting period, there were no reported cases of fighters suspected of departing from Kosovo for Iraq and/or the Syrian Arab Republic. However, the return of foreign fighters from conflict areas continued to be a matter of concern throughout the region. During the reporting period, several judgments related to terrorism cases were delivered. On 18 May, the Basic Court of Pristina convicted nine individuals of planning terrorist attacks during a football game between Albania and Israel in 2016 and imposed sentences ranging from 18 months to 10 years of imprisonment. On the same day, the Basic Court of Pristina acquitted five imams accused of inciting terrorist acts, owing to a lack of evidence. On 8 June, the Basic Court of Pristina ordered the detention of two individuals suspected of plotting terrorist attacks in Kosovo (one against the Kosovo Force, the other against the general public).

12. My Special Representative for Kosovo continued to engage with political leaders in Pristina, Belgrade and the region. On 7 June, he met with the President of Kosovo in Pristina. On 11, 12 and 14 June, together with the Assistant Secretary-General for Peacekeeping Operations, Bi tou Keita, he met with the President of Serbia, Aleksandar Vučić, and the First Deputy Prime Minister and Minister for Foreign Affairs of Serbia, Ivica Dačić, in Belgrade, with the Prime Minister of Kosovo and the First Deputy Prime Minister and Minister for Foreign Affairs of Kosovo in Pristina, and with the Prime Minister of Albania, Edi Rama, in Tirana.

III. Northern Kosovo

13. The mayor of North Mitrovica, who is also the president of the Serbian List, in a media statement of 12 April, maintained that the security situation did not allow for the reopening of the main bridge in Mitrovica to vehicular traffic. He also called for a swift signing of the memorandum of understanding on municipal boundaries between North and South Mitrovica, as foreseen in the European Union-facilitated agreement of August 2015 on the revitalization of the main bridge. In response, the mayor of South Mitrovica dismissed his counterpart's security concerns and suggested that the European Union should determine a date for reopening the bridge.

14. The investigation into the murder on 16 January of a Kosovo Serb politician, Oliver Ivanović, in North Mitrovica remained unsolved. On 16 April, Mr. Ivanović's political party, the Civic Initiative "Serbia, Democracy, Justice", expressed concern at the lack of information about developments in the investigation.

IV. Normalization of relations between Belgrade and Pristina

15. After a three-month hiatus, on 24 June, the European Union High Representative for Foreign Affairs and Security Policy hosted a high-level meeting of the European Union-facilitated dialogue with the President of Serbia and the President of Kosovo in Brussels. Following the three-hour meeting, in a communiqué issued by the Office of the High Representative, it was stated that the two presidents had engaged in an "intensive and productive discussion on the framework of an agreement on the comprehensive normalization of relations between the two sides". The high-level meeting was preceded, on 22 June, by meetings of the technical teams of Belgrade and Pristina, headed by the respective chief negotiators, Mr. Đurić and Avni Arifi.

16. The European Union High Representative for Foreign Affairs and Security Policy had already met with the President of Serbia and the President of Kosovo on 16 May, in the margins of the European Union Western Balkans Summit in Sofia. Following the meeting, the European External Action Service issued a statement in which it indicated that the two leaders had both confirmed their willingness to continue intensive work with the High Representative to achieve a comprehensive normalization of relations.

17. Divergences between Belgrade and Pristina on the establishment of the association/community of Serb-majority municipalities in Kosovo, as envisaged under the First Agreement of Principles Governing the Normalization of Relations (Brussels Agreement) of 19 April 2013, continued to hinder progress in the European Union-facilitated dialogue. On 18 April, the President of Serbia announced that Kosovo Serbs would not form an association/community of Serb-majority municipalities in Kosovo unilaterally, as previously envisaged, in response to the delays by Pristina in proceeding with its establishment. Instead, they agreed to wait until the end of the four-month period set by Pristina as the deadline to draft the statute

of the association/community. The following day, the European Union High Representative for Foreign Affairs and Security Policy, following separate meetings with the President of Serbia and the Prime Minister of Serbia, Ana Brnabić, in Belgrade, highlighted the importance of implementing all agreements reached within the framework of the European Union-facilitated dialogue.

18. Meanwhile, the management team tasked to draft the statute of the association/community of Serb-majority municipalities held nine meetings during the period under review, but did not issue any report on its findings or conclusions.

V. Returns, reconciliation, cultural heritage and community relations

19. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded 77 voluntary returns to Kosovo by members of non-majority communities. This brings the total number of voluntary returns by members of non-majority communities in Kosovo since 2000 to 27,884. At present, UNHCR reports a total of 89,480 displaced persons from the 1998–1999 conflict, of which 72,000 are in Serbia, 16,357 are displaced internally throughout Kosovo, 729 are in Montenegro and 394 are in the former Yugoslav Republic of Macedonia.

20. UNHCR continued to support members of the Ashkali, Egyptian and Roma communities in Kosovo in obtaining civil documentation and resolving civil status issues, which inter alia enables access to public services. During the reporting period, UNHCR assisted 105 individuals in obtaining civil documentation.

21. On 19 April, UNMIK sponsored a round table in Novobërdë/Novo Brdo municipality on the role of women in trust-building processes, which was attended by 17 Kosovo Serb and Kosovo Albanian women from the municipality. The discussions focused on advancing the role of women in the municipality and on the need to enhance communication and trust between communities.

VI. Rule of law and human rights

22. During the reporting period, the key defendants in two corruption and organized crime cases were acquitted. On 15 May, the Court of Appeals acquitted the former President of the Constitutional Court and former Rector of the University of Pristina, Enver Hasani, of complicity in fraud. On 6 June, the Basic Court of Pristina acquitted the former Secretary of the Ministry of Health, Ilir Tolaj, of charges of abuse of official position. These acquittals were due to a lack of evidence. Previously, on 10 April, 14 prisoners, including 2 people convicted of aggravated murder, had been pardoned.

23. Two noteworthy developments related to alleged war crimes occurred during the reporting period. On 26 April, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment against a member of the reserve forces of the Yugoslav police or paramilitary unit, Darko Tasić, for alleged co-perpetration of war crimes against civilians in the village of Krushë e Vogël/Mala Kruša in March 1999. On 11 June, the Kosovo Constitutional Court ordered the Basic Court of Mitrovica to retry the case against 10 former members of the "Drenica Group" of the Kosovo Liberation Army who had been convicted of crimes against civilians during 1998 and 1999. The Constitutional Court sent the case for retrial after determining that the defendants' right to a fair and impartial trial had been violated in the first instance.

24. The Basic Court of Pristina, composed of EULEX judges, announced, on 24 May, a verdict in the retrial of the so-called "Medicus" case. The owner of a health-care facility, the Medicus clinic, Lutfi Dervishi, was found guilty of trafficking in persons and organized crime and sentenced to 7.5 years in prison and a fine of 8,000 euros. An anaesthesiologist, Sokol Hajdini, was sentenced to one year in prison for "serious bodily injury".

25. The reporting period also witnessed developments at the Kosovo Specialist Chambers. The appointment of Jack Smith as Specialist Prosecutor was announced on 7 May, while the appointment of Pietro Spera as Ombudsperson was announced on 18 May. The first report of the Specialist Chambers and the Specialist Prosecutor's Office was published on 14 June. The report highlights achievements from April 2016 to February 2018 and describes the process that was followed to build the regulatory framework of the Specialist Chambers, strengthen outreach and establish the Specialist Prosecutor's Office.

26. To date, 1,647 persons remain unaccounted for following the 1998–1999 conflict in Kosovo. On 16 May, EULEX and the Kosovo Institute of Forensic Medicine concluded an assessment of a mass grave site in Gjakovë/Đakovica. Five human remains were exhumed from the site, and DNA testing was ongoing at the end of the reporting period.

27. Further to sustained advocacy by the Missing Persons Resource Centre, with support from UNMIK, on 21 May, the Kosovo Government Commission on Missing Persons appointed a representative of families of missing persons from a non-majority community, Milorad Trifunović. The inclusion of non-majority communities in the Commission will help to ensure their participation throughout the process of clarifying the fate of persons who went missing following the conflict in Kosovo.

28. In May, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), together with the United Nations Development Programme (UNDP), established the Transitional Justice Resource Centre at the University of Pristina, the first centre of its kind in Kosovo. The centre aims to promote peacebuilding, reconciliation and the role of education in transitional justice processes, with a focus on gender-sensitive approaches.

29. The Jahjaga Foundation, with support from UNMIK, UN-Women and UNDP, began to implement a project to counter the stigma surrounding survivors of conflict-related sexual violence in Kosovo. From 22 to 24 June, the foundation organized a gathering of 200 victims of conflict-related sexual violence from Kosovo in Albania, including victims from non-majority communities. The event, which was funded by UNMIK, explored ways to assist victims and provided an opportunity for them to obtain support without fear of stigmatization. UNMIK will continue to address the social, psychological and economic needs of victims of conflict-related sexual violence by supporting local organizations.

30. On 27 April, the Ombudsperson Institution in Kosovo issued a report on the case of six Turkish nationals who had been arrested by the Kosovo authorities and expelled to Turkey on 29 March. The report concluded that Kosovo institutions had violated the Constitution in arresting and expelling the Turkish citizens.

VII. Women and peace and security

31. As part of its efforts to promote the role of women in trust-building, on 15 and 16 May, UNMIK sponsored a conference on the roles of women in trust-building processes organized by two non-governmental organizations from South and North Mitrovica. About 40 participants from local communities discussed challenges and

opportunities for women in achieving gender equality. Similarly, on 1 and 2 June, UNMIK, in collaboration with UNDP and the United Nations Human Settlements Programme, supported a workshop on gender-responsive planning and budgeting at the municipal level for the Zveçan/Zvečan women's caucus. The workshop, which was also attended by municipal assembly members and officials from the Serb-majority municipality of Zveçan/Zvečan and the Albanian-majority municipality of Kamenicë/Kamenica, offered an opportunity for Kosovo Albanian and Kosovo Serb majority municipalities to share information and experiences.

32. On 14 June, UN-Women brought together female members of parliament from Serbia and Kosovo and female decision makers from South-Eastern Europe at a regional round table on women, regional cooperation and European integration. They identified ways for women to play a central role in peacebuilding, especially with regard to the implementation of the Brussels Agreement.

VIII. Partnerships and cooperation

33. UNMIK, in close collaboration with the United Nations Kosovo Team, continued to implement programmatic activities in the areas of the rule of law, intercommunity trust-building, human rights, youth empowerment and gender. During the reporting period, UNMIK and the United Nations Office for Project Services supported efforts to reduce the backlog of cases at the Basic Court of Pristina and the Basic Court of Mitrovica by sponsoring Kosovo Albanian and Kosovo Serb legal interns. UNMIK and the United Nations Office for Project Services also partnered to provide simultaneous translation equipment for the same two courts to help to ensure compliance with language rights, a key challenge throughout the ongoing integration of the judiciary. Other activities included the provision of technical assistance to the Ombudsperson Institution in northern Kosovo and the implementation of seven projects to increase the capacity of the Kosovo police to monitor the security situation and address urban safety concerns.

34. From 27 to 29 April, UNMIK and the Kosovo Youth Task Force brought together members of local youth action councils from 20 municipalities in Kosovo to develop joint advocacy strategies. Subsequently, on 14 and 15 May, UNMIK, in collaboration with the United Nations Kosovo Team, organized the second Kosovo Youth Assembly, bringing together 210 young people from all communities, alongside representatives of Kosovo institutions, international organizations and civil society. Participants reviewed the implementation of the road map developed by the previous Youth Assembly and proposed solutions to youth-related issues raised at the United Nations Kosovo Trust-Building Forum, held in Ljubljana from 6 to 8 May.

35. My Special Representative for Kosovo and the Assistant Secretary-General for Peacekeeping Operations chaired the United Nations Kosovo Trust-Building Forum, which was organized by UNMIK and the United Nations Kosovo Team, with the participation of the European Union, EULEX and the OSCE Mission in Kosovo. The 120 participants, more than half of whom were women, represented a broad cross section of Kosovo society, including leaders from municipal administrations, civil society, academia, women's and youth organizations and the Ministry of Communities and Returns of Kosovo. They identified avenues to build greater trust between communities in Kosovo and established a platform for future action in the following six fields: (a) good governance and access to services; (b) access to justice; (c) interreligious trust-building; (d) economic empowerment and environment; (e) media and communications; and (f) education. Cross-cutting issues included human rights, the empowerment of women, youth and language rights.

36. During the reporting period, two confidence-building measures were implemented with support from UNMIK. On 21 May, the mayor of Gjilan/Gnjilane municipality inaugurated a new market near the Serbian Orthodox Church in the municipality, which is expected to boost trade and interaction between the local Kosovo Serb and Kosovo Albanian communities. On 27 May, Kosovo Serb and Kosovo Albanian youth participated in a joint river-cleaning initiative in Brezovicë/Brezovica, in Shtërpcë/Štrpce municipality, and took advantage of the initiative to discuss ways to promote intercommunity communication. As part of a visit to Dragash/Dragaš municipality that included a meeting with the mayor, on 12 July, my Special Representative for Kosovo inaugurated a multipurpose sports field, which had been built earlier in 2018 with support from UNMIK.

37. UNMIK continued to provide document certification services. During the reporting period, 845 documents were processed, including 543 relating to pensions and 304 to civil status, such as high school and university diplomas, and marriage, birth and death certificates. UNMIK also continued to facilitate liaison between the Kosovo authorities and the International Criminal Police Organization. UNMIK received and processed 20 requests for the issuance of international wanted notices.

IX. Observations

38. I welcome the resumption of the high-level European Union-facilitated dialogue between Belgrade and Pristina, with the latest meeting facilitated by the European Union High Representative for Foreign Affairs and Security Policy on 24 June in Brussels. While that meeting did not break new ground, the resumption of the dialogue process provides a renewed opportunity to address long-standing differences, which is fundamental to any sustainable solution. I encourage leaders in Pristina and Belgrade to continue to advance their mutual engagement, including towards the full implementation of the agreements reached within the framework of the European Union-facilitated dialogue.

39. The roadworks attempted within the special protective zone of the Visoki Dečani monastery on 26 March remain a matter of concern. The Law on Special Protective Zones and the conclusions of the Implementation and Monitoring Council, charged with overseeing all construction in and management of the special protective zones, must be upheld. I commend the efforts of the international community to speak out in a single voice against possible transgressions.

40. I note with increasing concern that, six months on, the investigation into the murder on 16 January of a Kosovo Serb politician, Oliver Ivanović, in broad daylight in Mitrovica remains unsolved. I call upon the Kosovo authorities to intensify their investigations, making use of all available channels of assistance.

41. With the recent conclusion of the judicial executive functions of EULEX and the departure of international judges and prosecutors from Kosovo, the Kosovo authorities will soon be responsible for all investigations, prosecutions and trials of serious crimes. Kosovo police, prosecutors, defence counsels, judges and other court personnel will require support to address a large backlog of cases, including hundreds of war crimes cases. I note that an independent, efficient and professional judiciary is essential for the peaceful resolution of disputes and public confidence in the administration of justice.

42. I appreciate the strong statements issued by political leaders in Pristina in response to several crimes perceived as ethnically motivated. Regardless of the motives behind individual incidents, public confidence in the objectivity and effectiveness of the institutions demands such active leadership.

43. I commend all participants in the United Nations Kosovo Trust-Building Forum, hosted by my Special Representative for Kosovo and the Assistant Secretary-General for Peacekeeping Operations from 6 to 8 May. They have set forth an ambitious set of recommendations in the priority areas identified, and I look forward to the active engagement of all stakeholders concerned, including the United Nations, in bringing these recommendations to full realization.

44. I reiterate my call for contributions to the trust fund to support the Ashkali, Egyptian and Roma communities affected by lead poisoning in Kosovo. Contributions to the trust fund will support the implementation of projects addressing the most pressing needs of these vulnerable communities, including in the areas of health, economic development and infrastructure.

45. I thank my Special Representative for Kosovo and UNMIK staff for the energy, creativity and commitment that they have put into the work of the Mission. I also acknowledge the dedication shown by the United Nations Kosovo Team, under the guidance of the newly arrived Development Coordinator, and its renewed efforts to work in collaboration with UNMIK in delivering as one United Nations. Furthermore, I note with appreciation that the European Union and the Kosovo authorities have agreed upon the next phase of the work of EULEX. Finally, I reiterate my gratitude to the long-standing partners of the United Nations in Kosovo, namely, the Kosovo Force, the European Union presences and OSCE, for their outstanding teamwork and collaboration with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 April to 15 July 2018

1. Summary

On 14 June, the European Union Rule of Law Mission in Kosovo (EULEX) completed its two-year mandate and received a new mandate until 14 June 2020. The Mission will continue to support relevant rule-of-law institutions on their path towards increased effectiveness, sustainability, multi-ethnicity and accountability, free from political interference and in full compliance with European Union best practices. While EULEX judges and prosecutors have withdrawn from the local justice system, the Mission will monitor selected cases and trials in the criminal and civil justice areas in Kosovo and will continue to monitor, mentor and advise the Kosovo Correctional Service.

The selection process for senior positions in the judiciary continues to pose challenges. However, there has been an improvement in the efficiency of the court system, in particular with the increase in the scheduling of hearings.

In the framework of its monitoring, mentoring and advising activities, the Mission continued to focus its efforts in particular on the Kosovo Correctional Service, which has again suffered from political interference and the preferential treatment of a select group of high-profile prisoners.

EULEX also provided monitoring, mentoring and advising in response to the investigation of the murder of the prominent Kosovo Serb politician, Oliver Ivanović.

2. Activities of the European Union Rule of Law Mission in Kosovo

2.1. Executive

Organized crime and corruption

On 17 April, a EULEX prosecutor filed at the Basic Court of Mitrovica an indictment against six defendants charged with unauthorized possession of weapons, facilitating or compelling prostitution, trading in influence, fraud and falsifying documents.

On 24 May, a panel of one local judge and two EULEX judges at the Basic Court of Pristina announced its verdict against two defendants in the "Medicus" case of trafficking in human organs. One defendant was found guilty of organized crime in connection with trafficking in persons and sentenced to 7.5 years of imprisonment and a fine of 8,000 euros. The other was found guilty of grievous bodily harm and sentenced to one year of imprisonment.

On 8 June, the Constitutional Court issued a ruling declaring as invalid the judgment of the Supreme Court in the so-called "Drenica II" case, in which high-profile defendants had been found guilty of war crimes. The Constitutional Court ruled that the Supreme Court had violated the applicants' right to a fair and impartial trial and ordered that the case be remanded to the Supreme Court for reconsideration. The two EULEX judges issued a joint dissenting opinion disagreeing with the decision of the majority of judges of the Constitutional Court.

War crimes

On 26 April, a EULEX prosecutor filed at the Basic Court of Prizren an indictment against a defendant charged with committing war crimes in the village of Krushë e Vogël/Mala Kruša from 25 to 27 March 1999.

On 16 May, a panel of three EULEX judges at the Basic Court of Mitrovica passed a verdict in a war crimes case against one defendant. The panel acquitted the defendant of all charges as it could not be proved that he had committed the acts with which he was charged. On 25 May, a panel of three EULEX judges at the Basic Court of Mitrovica announced its verdict in another war crimes case against the same defendant. The panel found the defendant guilty of one of the counts of war crimes with which he was charged and sentenced him to 6.5 years of imprisonment.

Handover of cases and case files

EULEX continued to hand over cases, case files and evidence to relevant Kosovo institutions. EULEX prosecutors handed over cases and case files to the Special Prosecution Office of Kosovo and the Basic Prosecution Office of Mitrovica. Meanwhile, EULEX judges continued to transfer cases to local counterparts.

Institute of Forensic Medicine

From 16 April to 16 May, EULEX forensic experts conducted an exhumation in Gjakovë/Đakovica. Six bodily remains were found.

EULEX facilitated a workshop for Kosovo prosecutors on interview technique skills for war crimes witnesses and victims, with a focus on sexual and gender-based violence cases.

EULEX organized a training workshop aimed at enhancing the capacity of local prosecutors in their joint work with the police and other law enforcement agencies in Mitrovica to combat and investigate corruption and related crimes.

EULEX, together with the police of the United Kingdom of Great Britain and Northern Ireland, delivered a course on public order and public safety contingencies to Kosovo police officers.

EULEX facilitated the second in a series of meetings of the operational working group on cooperation between police, prosecutors and forensic experts on cases of sexual and gender-based violence, chaired by the Chief Prosecutor of the Basic Prosecution Office of Ferizaj/Uroševac.

2.2. Strengthening

Case monitoring

Challenges to the efficiency of the court system remain, in particular in the areas of immediate adjournments of court hearings, late commencement and unduly prolonged sessions, often due to the unannounced and unjustified absence of parties, resulting in unproductive hearings, namely, hearings in which nothing substantial occurs. Over the past months, however, the percentage of unproductive hearings has decreased on average, and there has been an overall increase in the scheduling of hearings.

Judiciary

The selection process for senior positions of the judiciary continues to pose notable challenges. On 30 May, the Kosovo Judicial Council appointed supervisory judges for the Kamenicë/Kamenica branch and the Novobërdë/Novo Brdo branch of

the Basic Court of Gjilan/Gnjilane, as well as the Leposaviq/Leposavić branch of the Basic Court of Mitrovica. It also appointed an acting supervisory judge for the Zubin Potok branch of the Basic Court of Mitrovica. EULEX expressed its concerns over the selection process, as the Kosovo Judicial Council ignored the applicable regulation and failed to publicly discuss the candidates' evaluations before proceeding to the voting process.

Additional challenges include the need to overcome inconsistencies and contradictions in the legislative framework for the judiciary, the reform of disciplinary proceedings against judges and prosecutors, as well as the integration of the judiciary in the north. The Law on the Kosovo Judicial Council and the Law on Courts have been amended twice since their adoption in 2010, once in 2015 and again in 2018, requiring the drafting of new regulations related to the currently pending amendments, as well as additional changes to the existing regulations.

On 6 June, the Kosovo Assembly approved the draft criminal code on its first reading, while the review of the criminal procedure code is still ongoing at the Ministry of Justice. The finalization of the amendment process of the criminal legal framework, namely, the criminal code, and the criminal procedure code, the Law on the Execution of Penal Sanctions and other interrelated laws in the process, is of crucial importance in overcoming obstacles to the practical implementation of the legislation and in aligning it with legislation and best practices of the European Union, including other international law instruments. Through the legislative review mechanism, EULEX provided substantial comments on the framework, proposing concrete amendments to the existing provisions, with detailed reasoning for each proposal.

The poor performance of the Office of the Disciplinary Counsel and its lack of accountability towards the Kosovo Judicial Council and the Kosovo Prosecutorial Council resulted in the need for a reform of the disciplinary system. For this reason, EULEX recommended that the implementation of the Law on the Disciplinary Liability of Judges and Prosecutors be closely monitored, with a particular focus on the transition to the new system and the inventory of ongoing cases.

Regarding the judiciary integration in the north, the main challenges lie in improving working conditions, including recruiting a sufficient number of translators and interpreters with a command of Albanian and Serbian, the inventory of cases adopted from the parallel system and the implementation of the conclusions supplementing the First Agreement of Principles Governing the Normalization of Relations.

Kosovo Correctional Service

On 27 April, a new Director General of the Kosovo Correctional Service was appointed, an important development considering that a permanent Director General had been lacking since 2015. The selection process, monitored by EULEX, was conducted in compliance with relevant procedures and requirements. Staffing and the reorganization of staffing pose an immense problem to the efficiency of the Kosovo Correctional Service. After many years of a considerable number of staff being in acting positions, the Kosovo Correctional Service finally opened internal vacancies for supervisors, senior supervisors and heads of units in May. The testing and interviewing process is ongoing.

In view of the lack of female representation at the management level of the Kosovo Correctional Service, EULEX organized a two-day workshop on 28 and 29 May for 50 female correction officers, with a view to strengthening their capacities, discussing their roles and challenges, and encouraging them to apply for higher positions.

Regarding the preferential treatment of a select group of high-profile prisoners, EULEX monitored several hospitalizations of a known high-profile prisoner during the months of April and May, finding varying degrees of professionalism and application of security measures and standards, depending on the officer of the Kosovo Correctional Service on duty.

Following EULEX advice on the persistent problem of contraband in the Dubrava Correctional Centre, search operations were intensified, resulting in a substantial increase in the overall amount of contraband being found. However, in order for these efforts to be sustainable in the long term, the Kosovo Correctional Service needs to provide support and coordination across all its facilities.

Kosovo police

On 17 and 18 May, representatives of the police forces of Albania, Croatia, Slovenia, the former Yugoslav Republic of Macedonia and Kosovo participated in a conference of regional chiefs of police in Pristina, hosted by the Kosovo police and facilitated by EULEX. The conference was organized to promote regional cooperation, following the successful conference of chiefs of police held in Skopje in September 2016. The main focus of the most recent conference was the assessment of strategic risks and threats to regional peace and stability posed by transnational organized crime, terrorism and migration.

Capacity-building

Enabled by EULEX, the Kosovo police conducted a study visit to Sweden in order to strengthen the executive capacity of its international law enforcement unit and to enhance its operational performance, in particular when focusing on data protection and data security.

While Kosovo police specialized units, with EULEX support, have achieved an operational level that reaches European and international rules-based standards, there is still a need to improve their capacities with respect to policing and public safety contingencies for major sporting events. This is particularly relevant in view of the admission of Kosovo to the Fédération Internationale de Football Association and the Union of European Football Associations in 2016. In an effort to support Kosovo police in respect of their obligations, in particular in relation to article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms, EULEX facilitated, in April, an eight-day senior command course, presented by four trainers from the police of the United Kingdom of Great Britain and Northern Ireland (Lincolnshire police). The Kosovo police commanders were provided with the opportunity to enhance their current skills and expertise when dealing with spontaneous and pre-planned events that require public order and public safety contingencies.

Police Inspectorate of Kosovo

The effective investigation of high-ranking officers remains a challenge for the Police Inspectorate of Kosovo, such as in the ongoing case of the Kosovo Police Director of the Economic Crime Unit, as well as the cases of the 59 police officers detained for corruption and the 148 police officers who have been listed for fraud. The reluctance of prosecutors to open cases against high-ranking Kosovo police officers and slow court processes add to the number of unsolved cases.

Migration

Concerns in the area of migration centre on the lack of real-time exchange of precise and detailed criminal background information on forced returnees who pose

potential risks to public security. In addition, better data exchange is highly recommended inter alia with European Union institutions in order to trace asylum seekers using Kosovo as a transit route to reach Western Europe. In the field of law-making, two important laws, on which EULEX advised, have entered into force: the Law on Foreigners, on 18 May, and the Law on Asylum, on 30 May.

European Union-facilitated dialogue

The new Minister of Internal Affairs appointed a new Integrated Border Management National Coordinator, promising progress in the implementation of the integrated border management strategy and the development plan for the National Centre for Border Management.

However, as there has been no recent activity in the European Union-facilitated dialogue, no notable progress has been made on the implementation of the freedom of movement agreement and the integrated border management technical protocol. EULEX continued to visit all six common crossing points on the dates of local-level meetings, and, although the two sides do not meet formally, the atmosphere in general remains convivial, and there is a degree of operational cooperation at all common crossing points.

No progress has been made with regard to the establishment of the three common crossing points to be hosted by Belgrade. Regarding the common crossing points to be hosted by Pristina, the construction of the common crossing points of Merdarë/Merdare and Mutivodë/Mutivode is ongoing, while there is no progress with regard to the common crossing point of Bërnjak/Tabalije owing to the still unresolved issue of the relocation of the overhead power lines.

3. Other key issues

Nothing significant to report.

Annex II

Specialist Chambers and Specialist Prosecutor's Office

The Specialist Chambers continued to hone its readiness for judicial activities in the reporting period by increasing the number of counsel on the lists of defence counsel and victims' counsel to 89 and by appointing, on 18 May, Pietro Spera (Italy) as Ombudsperson for the Specialist Chambers and Specialist Prosecutor's Office, further ensuring compliance with the highest human rights standards. The Ombudsperson has a unique mandate and role in monitoring, defending and protecting the fundamental rights and freedoms of persons interacting with the Specialist Chambers and Specialist Prosecutor's Office, though he may intervene in judicial proceedings only in case of unreasonable delay.

The Specialist Chambers continued its intensive outreach activities to explain its mandate and foster direct communications with affected communities. From 24 to 26 April, representatives of the Specialist Chambers travelled to Kosovo to engage in outreach activities with non-governmental organizations, civil society organizations, journalists and lawyers.

In May, following the publication of the updated list of counsel, all counsel admitted to the list were contacted to encourage them to swiftly establish an independent representative body for all counsel admitted to practice before the Specialist Chambers.

From 14 to 17 May, the Registrar of the Specialist Chambers made her first official visit to Serbia, holding meetings with numerous civil society organizations and potential partners. The Registrar also briefed a number of officials, including the Head of the United Nations Office in Belgrade, the Head of the Delegation of the European Union to Serbia and the Head of the Mission of the Organization for Security and Cooperation in Europe to Serbia on the progress made by the Specialist Chambers and the scaling up of outreach activities in Serbia.

From 6 to 8 June, the Specialist Chambers welcomed representatives from 15 non-governmental organizations from Kosovo and Serbia to an outreach workshop in The Hague. The workshop sought to gather feedback from civil society on the outreach programme of the Specialist Chambers and to produce concrete ideas on how to improve and further develop future outreach activities in the region.

In June, the Specialist Chambers and the Specialist Prosecutor's Office issued their first report, covering the period from the establishment of the Specialist Chambers, in April 2016, to February 2018. The report is available to the public on the website of the Specialist Chambers in Albanian, English and Serbian (with a Cyrillic version also being prepared).

During the reporting period, the Specialist Chambers judges continued to prepare for forthcoming judicial activities. From April to June, a working group of three judges of the Specialist Chambers prepared a green paper on the efficient management of proceedings, focusing on the role and responsibility of judges in managing proceedings, case management issues arising during the various stages of proceedings and the efficient management of concrete procedural issues. All judges provided substantive comments on the green paper. Furthermore, a judge of the Specialist Chamber of the Constitutional Court, in consultation with the other three judges, prepared a green paper on the jurisprudence of the Kosovo Constitutional Court, identifying case law of Kosovo and the European Court of Human Rights relevant to the work of the Specialist Chambers. The green paper was subsequently shared with all judges.

On 8 June, the Council of the European Union approved the next budget for the Specialist Chambers and Specialist Prosecutor's Office through the award of a grant to the Specialist Chambers, which the Registrar signed on 25 June. In its decision, the Council provides for a two-year budget until 14 June 2020, rather than an annual budget.

On 11 and 12 June, in order to enhance their legal knowledge, the judges participated in a colloquium hosted in collaboration with the Ecole nationale de la magistrature in Paris. Presentations by external speakers and the subsequent discussions focused on subject matters relevant to the future judicial work of the Specialist Chambers.

On 26 June, continuing to provide for increased staff capacity, the Specialist Chambers closed the latest call for 59 new staff members for the Specialist Chambers and Specialist Prosecutor's Office and immediately commenced the next stages of the recruitment process with a view to the rapid deployment of the required staff.

From 9 to 12 July, representatives from the Specialist Chambers travelled to Kosovo to engage in outreach activities, including a round table with journalists, meetings with civil society organizations and an outreach update event for the diplomatic community. The Specialist Chambers hosted 17 group visits in The Hague through its visitors' programme.

The Specialist Chambers continues to engage with the host State in order to facilitate its work, including in relation to the renovation of the future premises of the court in The Hague.

The engagement of the Specialist Chambers with individual European Union member States, third contributing States and other States remains ongoing and is highly focused on garnering support for cooperation on witness protection and the enforcement of sentences.

A prosecutor from the United States of America, Jack Smith, who has experience in both high-level political investigations and international criminal investigations, was appointed Specialist Prosecutor on 7 May, following a selection process organized by the European Union. He succeeded David Schwendiman, the first Specialist Prosecutor and formerly the Lead Prosecutor of the Special Investigative Task Force, who left the office at the end of March, when his term as a Senior Foreign Service Officer in the United States State Department expired. Mr. Smith is scheduled to take office in August. In the interim, the Deputy Specialist Prosecutor, Kwai Hong Ip, has led the investigation into the allegations contained in the report of January 2011 of the Council of Europe Parliamentary Assembly entitled "Inhuman treatment of people and illicit trafficking in human organs".

Under the special law, the Specialist Chambers has primacy over all other courts in Kosovo. The Specialist Prosecutor has, among other things, the authority to call upon Kosovo institutions to assist him. In addition, EULEX is, under its new mandate, providing logistical and operational support to the Specialist Prosecutor's Office. As the investigation moves forward, such assistance, as well as that of the Belgrade authorities, the European Union and the wider international community, will become increasingly important. The Specialist Prosecutor's Office requires the continued engagement and full support of the international community, international organizations and individual States in all its activities.

Annex III

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2018)

Country	*Number*
Austria	1
Bulgaria	1
Finland	1
Germany	1
Hungary	2
Russian Federation	2
Turkey	1
Total	**9**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2018)

Country	*Number*
Czechia	2
Poland	1
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**8**

UNMIK
July 2018
Operational boundary
International boundary
National capital
Republic capital or provincial capital
Town, village
Mountain pass
Major road
Secondary road
Railroad
0 5 10 15 20 25 km
0 5 10 15 mi
SERBIA
MONTENEGRO
Kosovo
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
HUNGARY
CROATIA
ROMANIA
BOSNIA AND HERZEGOVINA
BULGARIA
ITALY
GREECE
HQ UNMIK UNMIK HQ
HQ MLC Military Liaison Component HQ
MLT Military Liaison Team
UNMIK perimeter of operations
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 4133 Rev. 76 UNITED NATIONS
July 2018 (Colour)
Department of Field Support
Geospatial Information Section (formerly Cartographic Section)